

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13881, of Graf Patrick Douglas, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7107.21), the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23), the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) and the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) for a proposed one story rear addition to a single family structure in an R-3 District at the premises 1304 27th Street, N.W., (Square 1236, Lot 801).

HEARING DATE: December 15, 1982

DECISION DATE: December 15, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The application appeared on the preliminary calendar of the public hearing agenda of December 15, 1982. Section 302.2 of the Supplemental Rules of Practice and Procedure before the BZA requires that notice of the public hearing shall be mailed not less than forty days before the date of the public hearing to the owners of all property within 200 feet. In the instant case, due to inadvertence on the part of the staff, only seven days notice was given. The applicant testified that certified letters including a copy of the proposed plans were sent in August, 1982 to all forty property owners within 200 feet of the subject site, to the Advisory Neighborhood Commission 3A and to the Citizens Association of Georgetown. The applicant testified that eleven responses were received, ten of which had no objection or were in favor. The applicant however, in his letter was unable to indicate a date or time of the public hearing. The applicant did not discuss his plans with occupants of property within 200 feet. The Citizens Association of Georgetown reported that the Association was informed of the proposed application by Advisory Neighborhood Commission 3A in September, 1982. Notification had gone out to the community and meetings were held in November and December, 1982 by ANC 3A and the Association. The Association reported that the community has had adequate notice and the ANC and the Association have taken a formal position. The Board considered the statement of the parties present and determined to proceed with the public hearing. The Chair announced that, if any affirmative action was taken by the Board, a further hearing would be scheduled to

hear the testimony of those persons who opposed the application and who had not received sufficient notice of the public hearing.

2. The subject property is located on the west side of 27th Street between Dumbarton and N Streets, N.W. and is known as premises 1304 27th Street, N.W. It is in an R-3 District.

3. The subject lot is rectangular in shape containing 760 square feet of land area with twenty feet of frontage on 27th Street. The site is improved with a brick, two-story dwelling which was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. The house is a semi-detached dwelling. The northern wall of the structure is located on the northern property line. There is a three foot side yard on the south side of the house. The structure measures approximately seventeen feet wide by twenty-eight feet deep. The site is flat.

4. Immediately north of the subject property is a detached single family dwelling followed by semi-detached and row dwellings. To the south are single-family structures. To the east across 27th Street is Rock Creek Park. To the west are the rear yards of single-family dwellings fronting on N Street followed by the Alexander Memorial Baptist Church. All of the subject Square 1236 is in the R-3 District.

5. The applicant proposes to construct a rear one-story brick addition extending seven feet to the rear for the full seventeen foot width of the house. The addition will provide a kitchen, powder room and a utility closet. The roof of the addition will serve as a second floor balcony.

6. The applicant testified that the addition was needed because of the poor and inefficient use of and arrangement of the kitchen, powder room and open utilities in the present house. The proposed addition would relocate the kitchen, powder room and utilities into a more efficient and modernized facility. The interior contains no load bearing walls.

7. The applicant's family will not reside on the subject premises. The applicant will periodically reside on the premises during his travels.

8. The R-3 District requires a minimum lot area of 3,000 square feet for a semi-detached dwelling. The subject lot provides 760 square feet. A minimum width of thirty feet is required and twenty feet is provided. A maximum lot occupancy of forty percent or 304 square feet is allowed and 700 square feet is proposed, requiring a lot occupancy

variance of 396 square feet or 130.26 percent. A minimum rear yard of twenty feet is required and three feet would be provided, requiring a variance of seventeen feet or eighty-five percent. A minimum side yard of eight feet along the addition is required and three feet would be provided, requiring a variance of five feet or 62.5 percent.

9. Advisory Neighborhood Commission 3A, by letter dated November 12, 1982, reported that the ANC voted to oppose the application. The ANC reported that the subject structure is non-conforming and the property is presently overbuilt. The proposed addition does not consist of essential living space and the structure has been utilized as a residence for over eighty years. The property can be used in a reasonable manner within the provisions of the Zoning Regulations. The ANC further reported that the property does not suffer from an exceptional condition or practical difficulty which may result in an undue hardship on the owner. The granting of the variance would result in an excessive and unreasonable overdevelopment of the lot. Many adjoining and nearby properties have a similar lot occupancy problem and the granting of the requested variance could set a precedent. The granting of this application would impair the intent, purpose and integrity of the Zoning Regulations and Map. The Board concurs with the reasoning and recommendation of ANC 3A, except as to the issue of precedent setting. The Board determines each application on a case-by-case basis. The Board does not find that the granting of the subject application would set a precedent regarding similar properties in the neighborhood.

10. No one appeared in favor of the application at the public hearing.

11. At the close of the applicant's case-in-chief, the Board moved to dismiss the application for failure of proof. The applicant's burden, since he was seeking area variances was to establish a practical difficulty that was inherent in the land itself. The Board found that the applicant had failed to do so.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires the showing of a practical difficulty inherent in the property itself. The Board concludes that there are no practical difficulties unique to the subject property. The applicant's reasons for the variances are purely personal and are not grounds for variance relief. The applicant will not suffer any practical difficulty by the strict application of the Zoning Regulations. The Board is aware that the existing non-conforming structure was built prior to the adoption of the

current Zoning Regulations. The Board is of the opinion however that the extent of the variances requested is very significant. The proposed lot occupancy requires a variance of 130.26 percent, the rear yard requires a variance of eighty-five percent and the side yard a variance of 62.5 percent. The addition will greatly increase the structure's non-conformance as to the requirements of the R-3 District.

The Board further concludes that the requested relief cannot be granted without causing substantial detriment to the public good. It appears that the applicant can renovate and improve the kitchen, powder room and utilities within the limits of the existing house without increasing the non-conformity of the structure.

The Board is further of the opinion that the relief cannot be granted without substantially impairing the intent, purpose and integrity of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby DENIED.

VOTE: 4-0 (Lindsley Williams, Carrie L. Thornhill, William F. McIntosh and Charles R. Norris to DENY;  
Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: JUN 14 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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